

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DEBBIE ANN RUFF,

Petitioner,

Case Number: 06-CV-12436

v.

HON. JOHN CORBETT O'MEARA

SUSAN DAVIS,

Respondent.

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**ORDER OF SUMMARY DISMISSAL**

Petitioner Debbie Ann Ruff is a state inmate currently incarcerated at the Huron Valley Complex in Ypsilanti, Michigan. She has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, claiming that she is incarcerated in violation of her constitutional rights. For the reasons which follow, the petition will be dismissed.

Rule 4, Rules Governing Section 2254 cases, provides that the Court shall promptly examine a petition to determine “if it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief.” If the Court determines that the petitioner is not entitled to relief, the Court shall summarily dismiss the petition. McFarland v. Scott, 512 U.S. 849, 856 (1994) (“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face”).

In her petition, Petitioner presents a single claim for habeas corpus relief, that the sentencing court abused its discretion when it sentenced her beyond the sentencing guidelines range without articulating substantial and compelling reasons.

It is well-established that “federal habeas corpus review does not lie for errors of state

law.’” Estelle v. McGuire, 502 U.S. 62, 67 (1991), *quoting* Louis v. Jeffers, 497 U.S. 764, 780 (1990). Whether a sentencing court had substantial and compelling reasons for departing from the sentencing guidelines is a matter of state law. Welch v. Burke, 49 F. Supp. 2d 992, 1009 (E.D. Mich. 1999). *See also* Howard v. White, 76 Fed. Appx. 52, 53 (6<sup>th</sup> Cir. 2003) (holding that a state court’s application of sentencing guidelines is a matter of state concern only). Thus, the petition presents only a state law claim which may not form the basis for habeas corpus relief.

Accordingly, the Court concludes that it plainly appears from the face of the petition that Petitioner is not entitled to habeas corpus relief and **DISMISSES** the petition for a writ of habeas corpus.

**SO ORDERED.**

S/JOHN CORBETT O’MEARA  
UNITED STATES DISTRICT JUDGE

DATED: JULY 31, 2006

Certificate of Service

I hereby certify a copy of this Order was served upon the parties of record electronically and/or by U. S. mail on July 31, 2006.

s/William Barkholz  
Case Manager